

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated June 2, 2009 (hereinafter Office Action) have been considered. Claims 1, 3-8, 10, 12-17, 19, 21-26, 28, 30-35 and 47-41 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 3-10, 12-19, 21-28 and 30-37 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0100295 by Sakai et al. (hereinafter “Sakai”) and further in view of U.S. Patent No. 6,516,202 to Hawkins et al. (hereinafter “Hawkins”).

Applicants respectfully submit that the claims as originally filed are not rendered obvious in view of the combination of Sakai and Hawkins. However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claimed invention.

Independent Claims 1, 10, 19, 28 have been amended to indicate that content of a text message is descriptive of a reason for contact attempts, and wherein the contact attempts are presented together with the content of the text message to indicate the reason for the contact attempts. These amendments are fully supported in the Specification as filed (e.g., paragraphs 0009, 0024 and FIG. 3C) and no new matter has been added.

The combination of Sakai and Hawkins fails to teach or suggest that contact attempts that include a text message are presented together with the content of the text message. In the rejection of now cancelled Claims 38-41, the Examiner cites Sakai in view of Hawkins as teaching this type of presentation, in particular relying on Hawkins at col. 2, lines 51-52; col. 7, lines 32-34; col. 8, lines 13-20; and FIG. 8B. However, all of these portions of Hawkins merely state that a display screen includes a message indicator for a text/email message. Nowhere does Hawkins describe a content of the text/email message being displayed with these indicators. For example, FIG. 8B clearly only shows connection data (e.g., caller identity, time of call) about calls and voicemails but in no way teaches or suggests presenting content of those calls/voicemails in either of the screens in FIG. 8B.

Sakai was not relied upon to teach or suggest the presenting of text message content together with contact attempts. On the contrary, the Examiner recognizes on page 9 of the Office Action that Sakai fails to teach or suggest contacts attempts that include text messages at all, as Sakai only describe the presenting of a missed calls list with call connection data, similar to the presentation of Hawkins. Thus, because the combination of Hawkins and Sakai fails to correspond to the claims, as previously presented and particularly as amended, *prima facie* obviousness has not been established.

Further, the independent claims have been additionally amended to recite that the content of the text message is descriptive of a reason for the contact attempts, and that the contact attempts are presented together with the content of the text message to indicate the reason for the contact attempts. Clearly, the combination of Hawkins and Sakai fail to teach or suggest this feature.

Dependent Claims 3-8, 12-17, 21-26, 30-35, and 37 depend from independent Claims 1, 10, 19 and 28, respectively, and each of these claims also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Sakai and Hawkins. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 3-8, 12-17, 21-26, 30-35, and 37 are also patentable over the combination of Sakai and Hawkins.

It is to be understood that the Applicants do not acquiesce to the Examiner’s characterization of the asserted art or the Applicant’s claimed subject matter, nor of the Examiner’s application of the asserted art or combinations thereof to the Applicant’s claimed subject matter. Moreover, the Applicants do not acquiesce to any explicit or

implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, common knowledge at the time of the Applicant's invention, officially noticed facts, and the like. The Applicants respectfully submit that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching and suggestion of various features recited in the Applicant's pending claims. The Applicants, however, reserve the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.011.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: July 16, 2009

By: /William B. Ashley/

William B. Ashley
Reg. No. 51,419